

the 30 day of October, 2003  
TESTE: LILLIE M. HART, CLERK 11:40pm  
By [Signature] D.C.

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF CHESAPEAKE

COMMONWEALTH OF VIRGINIA )

v. )

CR 03-3089, CR03-3090 & CR03-3091

LEE BOYD MALVO )

NOTICE AND MOTION

Please take notice that I will, on October 31, 2003 at 2pm, or as soon thereafter as I may be heard, move the court, pursuant to § 19.2-264.3:1 of the Code of Virginia, to appoint Stanton E. Samenow, a qualified mental health expert, to perform an evaluation concerning the existence or absence of mitigating circumstances relating to the defendant's mental condition at the time of the offense.

Respectfully submitted,

ROBERT F. HORAN, JR  
Commonwealth's Attorney

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice and Motion was mailed, postage prepaid, and faxed to Michael Arif, Counsel for Defendant, 8001 Braddock Road, # 105, Springfield, Virginia 22151 and Craig Cooley, Counsel for the Defendant, 3000 Idlewood Avenue, P.O. Box 7268, Richmond, Virginia 23221 this 30<sup>th</sup> day of October, 2003.

ROBERT F. HORAN, JR  
Commonwealth's Attorney